

AMENDED IN SENATE JUNE 18, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2117

Introduced by Assembly Member Achadjian

February 20, 2014

An act to amend Section ~~65302~~ of the Government Code, relating to ~~land use~~; 101780 of the Health and Safety Code, relating to health authorities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2117, as amended, Achadjian. ~~Land use: general plan: noise element.~~ Santa Barbara San Luis Obispo Regional Health Authority.

Existing law authorizes the Board of Supervisors of the County of Santa Barbara to order the formation of a health authority and authorizes the Board of Supervisors of the County of San Luis Obispo to authorize the provision of medical services by the authority within the County of San Luis Obispo. Existing law authorizes the Board of Supervisors of either the County of San Luis Obispo or the County of Santa Barbara, or the board of directors of the authority, to terminate the authority's operation of a health care system or systems in the County of San Luis Obispo, as specified. Existing law authorizes the Board of Supervisors of the County of Santa Barbara to order the dissolution of the authority by declaring that there is no need for the authority to function in the county.

This bill would instead authorize the board of supervisors in both the County of Santa Barbara and the County of San Luis Obispo to order the dissolution of the authority, and would require both boards of supervisors to order the dissolution of the authority in order for the dissolution to become effective.

The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a noise element that identifies and appraises noise problems in the community. Existing law requires the noise element to recognize the guidelines established by the Office of Noise Control and to analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for specified sources:

~~This bill would eliminate the requirement that the noise element recognize the guidelines established by the Office of Noise Control.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101780 of the Health and Safety Code is
2 amended to read:
3 101780. (a) ~~The Board of Supervisors of Santa Barbara~~
4 ~~County Board of Supervisors of both the County of Santa Barbara~~
5 ~~and the County of San Luis Obispo may, by ordinance or resolution,~~
6 order the dissolution of the authority by declaring that there is no
7 need for the authority to function in the ~~county~~. *counties. Both*
8 *boards of supervisors shall order the dissolution of the authority*
9 *pursuant to this subdivision in order for the dissolution to become*
10 *effective. The dissolution shall become effective 180 days after*
11 *the date of adoption of the later adopted resolution or ordinance*
12 *ordering the dissolution.*
13 As
14 (b) As of the effective date of the dissolution of the authority,
15 the authority shall be dissolved, disincorporated and extinguished;
16 its existence shall be terminated and all of its corporate powers
17 shall cease, except for winding up the affairs of the authority.
18 For
19 (c) For the purpose of winding up the affairs of the dissolved
20 authority, the County of Santa Barbara shall be the successor.
21 Upon
22 (d) Upon the effective date of dissolution, control over all of
23 the moneys or funds, including those on hand, and those due, but
24 uncollected, and all property, real or personal, of the authority

1 shall be vested in the County of Santa Barbara for the purpose of
2 winding up the affairs of the authority.

3 The

4 (e) The powers of the county in winding up the affairs of the
5 authority and the distribution of assets of the authority, shall be in
6 accordance with Chapter 6 (commencing with Section 57450) of
7 Part 5 of Division 3 of Title 5 of the Government Code. The
8 liability of the County of Santa Barbara as successor shall be
9 limited to the assets of the authority.

10 SECTION 1. ~~Section 65302 of the Government Code is~~
11 ~~amended to read:~~

12 ~~65302. The general plan shall consist of a statement of~~
13 ~~development policies and shall include a diagram or diagrams and~~
14 ~~text setting forth objectives, principles, standards, and plan~~
15 ~~proposals. The plan shall include the following elements:~~

16 (a) ~~A land use element that designates the proposed general~~
17 ~~distribution and general location and extent of the uses of the land~~
18 ~~for housing, business, industry, open space, including agriculture,~~
19 ~~natural resources, recreation, and enjoyment of scenic beauty;~~
20 ~~education, public buildings and grounds, solid and liquid waste~~
21 ~~disposal facilities, and other categories of public and private uses~~
22 ~~of land. The location and designation of the extent of the uses of~~
23 ~~the land for public and private uses shall consider the identification~~
24 ~~of land and natural resources pursuant to paragraph (3) of~~
25 ~~subdivision (d). The land use element shall include a statement of~~
26 ~~the standards of population density and building intensity~~
27 ~~recommended for the various districts and other territory covered~~
28 ~~by the plan. The land use element shall identify and annually~~
29 ~~review those areas covered by the plan that are subject to flooding~~
30 ~~identified by flood plain mapping prepared by the Federal~~
31 ~~Emergency Management Agency (FEMA) or the Department of~~
32 ~~Water Resources. The land use element shall also do both of the~~
33 ~~following:~~

34 (1) ~~Designate in a land use category that provides for timber~~
35 ~~production those parcels of real property zoned for timberland~~
36 ~~production pursuant to the California Timberland Productivity Act~~
37 ~~of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1~~
38 ~~of Division 1 of Title 5):~~

39 (2) ~~Consider the impact of new growth on military readiness~~
40 ~~activities carried out on military bases, installations, and operating~~

1 and training areas, when proposing zoning ordinances or
2 designating land uses covered by the general plan for land, or other
3 territory adjacent to military facilities, or underlying designated
4 military aviation routes and airspace.

5 (A) In determining the impact of new growth on military
6 readiness activities, information provided by military facilities
7 shall be considered. Cities and counties shall address military
8 impacts based on information from the military and other sources.

9 (B) The following definitions govern this paragraph:

10 (i) “Military readiness activities” mean all of the following:

11 (I) Training, support, and operations that prepare the men and
12 women of the military for combat.

13 (II) Operation, maintenance, and security of any military
14 installation.

15 (III) Testing of military equipment, vehicles, weapons, and
16 sensors for proper operation or suitability for combat use.

17 (ii) “Military installation” means a base, camp, post, station,
18 yard, center, homeport facility for any ship, or other activity under
19 the jurisdiction of the United States Department of Defense as
20 defined in paragraph (1) of subsection (c) of Section 2687 of Title
21 10 of the United States Code.

22 (b) (1) A circulation element consisting of the general location
23 and extent of existing and proposed major thoroughfares,
24 transportation routes, terminals, any military airports and ports,
25 and other local public utilities and facilities, all correlated with the
26 land use element of the plan.

27 (2) (A) Commencing January 1, 2011, upon any substantive
28 revision of the circulation element, the legislative body shall
29 modify the circulation element to plan for a balanced, multimodal
30 transportation network that meets the needs of all users of streets,
31 roads, and highways for safe and convenient travel in a manner
32 that is suitable to the rural, suburban, or urban context of the
33 general plan.

34 (B) For purposes of this paragraph, “users of streets, roads, and
35 highways” mean bicyclists, children, persons with disabilities,
36 motorists, movers of commercial goods, pedestrians, users of public
37 transportation, and seniors.

38 (c) A housing element as provided in Article 10.6 (commencing
39 with Section 65580).

~~(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.~~

~~(2) The conservation element may also cover all of the following:~~

~~(A) The reclamation of land and waters.~~

~~(B) Prevention and control of the pollution of streams and other waters.~~

~~(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.~~

~~(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.~~

~~(E) Protection of watersheds.~~

~~(F) The location, quantity and quality of the rock, sand, and gravel resources.~~

~~(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.~~

~~(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).~~

~~(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative~~

body, current and projected noise levels for all of the following sources:

- (A) Highways and freeways.
- (B) Primary arterials and major local streets.
- (C) Passenger and freight online railroad operations and ground rapid transit systems.
- (D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (E) Local industrial plants, including, but not limited to, railroad classification yards.
- (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code; and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and

clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to

1 subparagraph (A), for the protection of the community from the
2 unreasonable risks of flooding, including, but not limited to:
3 (i) ~~Avoiding or minimizing the risks of flooding to new~~
4 ~~development.~~
5 (ii) ~~Evaluating whether new development should be located in~~
6 ~~flood hazard zones, and identifying construction methods or other~~
7 ~~methods to minimize damage if new development is located in~~
8 ~~flood hazard zones.~~
9 (iii) ~~Maintaining the structural and operational integrity of~~
10 ~~essential public facilities during flooding.~~
11 (iv) ~~Locating, when feasible, new essential public facilities~~
12 ~~outside of flood hazard zones, including hospitals and health care~~
13 ~~facilities, emergency shelters, fire stations, emergency command~~
14 ~~centers, and emergency communications facilities or identifying~~
15 ~~construction methods or other methods to minimize damage if~~
16 ~~these facilities are located in flood hazard zones.~~
17 (v) ~~Establishing cooperative working relationships among public~~
18 ~~agencies with responsibility for flood protection.~~
19 (C) ~~Establish a set of feasible implementation measures designed~~
20 ~~to carry out the goals, policies, and objectives established pursuant~~
21 ~~to subparagraph (B).~~
22 (3) ~~Upon the next revision of the housing element on or after~~
23 ~~January 1, 2014, the safety element shall be reviewed and updated~~
24 ~~as necessary to address the risk of fire for land classified as state~~
25 ~~responsibility areas, as defined in Section 4102 of the Public~~
26 ~~Resources Code, and land classified as very high fire hazard~~
27 ~~severity zones, as defined in Section 51177. This review shall~~
28 ~~consider the advice included in the Office of Planning and~~
29 ~~Research's most recent publication of "Fire Hazard Planning,~~
30 ~~General Technical Advice Series" and shall also include all of the~~
31 ~~following:~~
32 (A) ~~Information regarding fire hazards, including, but not limited~~
33 ~~to, all of the following:~~
34 (i) ~~Fire hazard severity zone maps available from the Department~~
35 ~~of Forestry and Fire Protection.~~
36 (ii) ~~Any historical data on wildfires available from local~~
37 ~~agencies or a reference to where the data can be found.~~
38 (iii) ~~Information about wildfire hazard areas that may be~~
39 ~~available from the United States Geological Survey.~~

1 ~~(iv) General location and distribution of existing and planned~~
2 ~~uses of land in very high fire hazard severity zones and in state~~
3 ~~responsibility areas, including structures, roads, utilities, and~~
4 ~~essential public facilities. The location and distribution of planned~~
5 ~~uses of land shall not require defensible space compliance measures~~
6 ~~required by state law or local ordinance to occur on publicly owned~~
7 ~~lands or open space designations of homeowner associations.~~

8 ~~(v) Local, state, and federal agencies with responsibility for fire~~
9 ~~protection, including special districts and local offices of~~
10 ~~emergency services.~~

11 ~~(B) A set of goals, policies, and objectives based on the~~
12 ~~information identified pursuant to subparagraph (A) for the~~
13 ~~protection of the community from the unreasonable risk of wildfire.~~

14 ~~(C) A set of feasible implementation measures designed to carry~~
15 ~~out the goals, policies, and objectives based on the information~~
16 ~~identified pursuant to subparagraph (B) including, but not limited~~
17 ~~to, all of the following:~~

18 ~~(i) Avoiding or minimizing the wildfire hazards associated with~~
19 ~~new uses of land.~~

20 ~~(ii) Locating, when feasible, new essential public facilities~~
21 ~~outside of high fire risk areas, including, but not limited to,~~
22 ~~hospitals and health care facilities, emergency shelters, emergency~~
23 ~~command centers, and emergency communications facilities, or~~
24 ~~identifying construction methods or other methods to minimize~~
25 ~~damage if these facilities are located in a state responsibility area~~
26 ~~or very high fire hazard severity zone.~~

27 ~~(iii) Designing adequate infrastructure if a new development is~~
28 ~~located in a state responsibility area or in a very high fire hazard~~
29 ~~severity zone, including safe access for emergency response~~
30 ~~vehicles, visible street signs, and water supplies for structural fire~~
31 ~~suppression.~~

32 ~~(iv) Working cooperatively with public agencies with~~
33 ~~responsibility for fire protection.~~

34 ~~(D) If a city or county has adopted a fire safety plan or document~~
35 ~~separate from the general plan, an attachment of, or reference to,~~
36 ~~a city or county's adopted fire safety plan or document that fulfills~~
37 ~~commensurate goals and objectives and contains information~~
38 ~~required pursuant to this paragraph.~~

39 ~~(4) After the initial revision of the safety element pursuant to~~
40 ~~paragraphs (2) and (3), upon each revision of the housing element,~~

1 the planning agency shall review and, if necessary, revise the safety
2 element to identify new information that was not available during
3 the previous revision of the safety element.

4 ~~(5) Cities and counties that have flood plain management~~
5 ~~ordinances that have been approved by FEMA that substantially~~
6 ~~comply with this section, or have substantially equivalent~~
7 ~~provisions to this subdivision in their general plans, may use that~~
8 ~~information in the safety element to comply with this subdivision,~~
9 ~~and shall summarize and incorporate by reference into the safety~~
10 ~~element the other general plan provisions or the flood plain~~
11 ~~ordinance, specifically showing how each requirement of this~~
12 ~~subdivision has been met.~~

13 ~~(6) Prior to the periodic review of its general plan and prior to~~
14 ~~preparing or revising its safety element, each city and county shall~~
15 ~~consult the California Geological Survey of the Department of~~
16 ~~Conservation, the Central Valley Flood Protection Board, if the~~
17 ~~city or county is located within the boundaries of the Sacramento~~
18 ~~and San Joaquin Drainage District, as set forth in Section 8501 of~~
19 ~~the Water Code, and the Office of Emergency Services for the~~
20 ~~purpose of including information known by and available to the~~
21 ~~department, the agency, and the board required by this subdivision.~~

22 ~~(7) To the extent that a county's safety element is sufficiently~~
23 ~~detailed and contains appropriate policies and programs for~~
24 ~~adoption by a city, a city may adopt that portion of the county's~~
25 ~~safety element that pertains to the city's planning area in~~
26 ~~satisfaction of the requirement imposed by this subdivision.~~